

Application No. 09/265,070
Amendment dated December 14, 2005
Reply to Office Action of September 29, 2005

Docket No. 1232-4519

REMARKS

Applicants respectfully request reconsideration of this application in view of the foregoing amendments and following remarks.

Information Disclosure Statement

Applicants note that one of the references (i.e., "Patent Abstracts of Japan No. 09322010") in the Form PTO-1449 filed on October 3, 2003 along with an IDS was not initialed and returned to Applicants while other references in the same Form PTO-1449 were initialed and returned to Applicants. Applicants contacted the Supervisor of the case on October 28, 2004 and requested to return the same Form PTO-1449 with the missing reference initialed.

Accordingly, Applicants respectfully request that the Examiner initials the missing reference and returns the Form PTO-1449 in due course.

Status of the Claims

Claims 1-21, 26, 31-35, 40, 45-49, 54 and 59-71 are currently pending. Claims 1-16 and 60-68 are withdrawn from consideration. Among the remaining claims, claims 17, 31 and 45 are independent. By this Amendment, independent claims 17, 31 and 45 are amended. No new matter has been added by this Amendment.

Rejection under 35 U.S.C. §103

Claims 17-21, 26, 31-35, 40, 45-49 and 54 have been repeatedly rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,389,179 to Katayama et al. ("Katayama") in view of JP Patent No. 01096639A to Tenmyo ("Tenmyo").

Tenmyo is cited as disclosing the "selecting unit," "determining unit," and "control unit" of the present invention. In particular, the Examiner describes, *inter alia*, that:

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If a panoramic mode is selected by the user, a selection means for selecting multiple pictures of photographing is given after first photographing and completing a first automatic focus controlling action and locking the zoom signal (Abstract and Constitution). The user has to press the shutter to continue the image sensing (See figure 2) [and therefor read as selecting unit configured to make the user select whether or not to continue an image sensing operation...]

If a shutter release is pressed, and the total number of pictures taken are not done then the remaining pictures are taken with the same value of zoom that has already been locked until all the picture taking is done (figure 2) [reads on a determining unit...]

Applicants note that the Abstract of Tenmyo describes the purpose as “[t]o prevent magnification for photographing a panoramic object from varying every photographing by locking the zoom setting position of a lens with a lock command signal after starting photographing and completing a first automatic focus controlling action and keeping it until completing a series of panoramic photographing.” The Constitution of Tenmyo confirms the description of the Abstract by describing that “[i]n case of setting a panoramic photographing mode, the zoom setting position of the lens is locked by a power zoom lock means...”

First of all, there is nothing in Tenmyo's camera system that instructs to change the optical system condition of an optical system as specifically recited in independent claims 17, 31 and 45.

Secondly, Tenmyo's camera system simply completes a series of panoramic photographings without changing the zoom setting, and does not give the user a selection option whether or not to continue an image sensing operation when the optical system condition change instruction unit outputs the signal to change the optical system condition as specifically recited in independent claims 17, 31 and 45, as a result of the first reason as discussed above. Additionally, once a photographing condition such as a lens condition is locked, the user instruction is not

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accepted until a sequential photographing operation of a predetermined number of images is completed in Tenmyo's camera system. In contrast, the user instruction (e.g., to release conditions of lens etc.) is accepted during a sequential photographing operation of a predetermined number of images.

Accordingly, each of claims 17, 31 and 45 is neither anticipated by nor rendered obvious in view of Katayama and Tenmyo, either taken alone or in combination, for at least the reasons discussed above.

Nonetheless, independent claims 17, 31 and 45 have been amended for further clarification. In particular, each of amended claims 17, 31 and 45 recites that the selecting unit of the present invention enables the user to select whether or not to continue an image sensing operation while the user takes the plurality of consecutive images, further distinguishing over the cited art of record (i.e., Katayama and Tenmyo). Support for the amendment may be found, for example, Fig. 24 and relevant portions of the original specification including the last full paragraph of page 145 (i.e., lines 13-25) and the first and second full paragraphs of page 146 (i.e., lines 1-8).

Reconsideration and withdrawal of the rejections of claims 17, 31 and 45 under 35 U.S.C. §103(a) is respectfully requested.

Applicants have not individually addressed the rejections of the dependent claims because Applicants submit that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicants however reserve the right to address such rejections of the dependent claims should such be necessary.

Applicants believe that this application as amended is in condition for allowance and

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such action is respectfully requested.

AUTHORIZATION

No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicants hereby petition the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-4519). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
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Dated: December 14, 2005

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